

# **2011 DRAFTING REQUEST**

## **Bill**

Received: **01/03/2011**

Received By: **tkuczens**

Wanted: **As time permits**

Companion to LRB:

For: **Administration-Budget**

By/Representing: **Hynek**

May Contact:

Drafter: **tkuczens**

Subject: **Education - school boards**

Addl. Drafters:

Extra Copies: **pg**

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to: **tracy.kuczenski@legis.wisconsin.gov**

## **Pre Topic:**

DOA:.....Hynek, BB0191 -

## **Topic:**

Repeal requirement that schools provide 180 days of instruction

## **Instructions:**

See attached

## **Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/P1	tkuczens	jdyer	mduchek	_____	sbasford		
	01/04/2011	01/05/2011	01/06/2011	_____	01/06/2011		
	tkuczens	jdyer		_____			
	01/14/2011	01/14/2011		_____			
/P2	tkuczens	jdyer	phenry	_____	lparisi		
	02/28/2011	02/28/2011	01/14/2011	_____	01/14/2011		
/P3	tkuczens	jdyer	mduchek	_____	lparisi		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	03/02/2011	03/02/2011	02/28/2011	_____	02/28/2011		
/P4			rschluet	_____	lparisi		
			03/02/2011	_____	03/02/2011		

FE Sent For:

&lt;END&gt;

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/?		<i>P4 3/2 jld</i>					
/P1	tkuczens 01/04/2011 tkuczens 01/14/2011	jdye 01/05/2011 jdye 01/14/2011	mduchek 01/06/2011	_____	sbasford 01/06/2011		
/P2	tkuczens 02/28/2011	jdye 02/28/2011	phenry 01/14/2011	_____	lparisi 01/14/2011		
/P3			mduchek	<i>pt 3/2</i>	lparisi		

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			02/28/2011 _____		02/28/2011		

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	tkuczens 01/14/2011	jdye 01/14/2011		_____			
/P2			phenry 01/14/2011	_____	lparisi 01/14/2011		

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By/Representing: **Hynek**

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Addl. Drafters:

Extra Copies: **pg**

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DOA:.....Hynek, BB0191 -

## **Topic:**

Repeal requirement that schools provide 180 days of instruction

## **Instructions:**

See attached

## **Drafting History:**

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/?		<i>1/2 1/4 jld</i>					
/P1	tkuczens 01/04/2011	jdye 01/05/2011	mduchek 01/06/2011	<i>[Signature]</i>	sbasford 01/06/2011		

FE Sent For:

*1/14  
pk*

**<END>**

**2011 DRAFTING REQUEST**

**Bill**

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Wanted: **As time permits**

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By/Representing: **Hynek**

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Drafter: **tkuczens**

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DOA:.....Hynek, BB0191 -

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**Topic:**

Repeal requirement that schools provide 180 days of instruction

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**Instructions:**

See attached

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<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tkuczens	P1 / 5 jld	1/3	20 / 4 RS			

FE Sent For:

**<END>**



**Grant, Peter**

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**From:** Hanaman, Cathlene  
**Sent:** Monday, January 03, 2011 1:50 PM  
**To:** Grant, Peter; Kuczenski, Tracy  
**Subject:** FW: Statutory Language Drafting Request

---

**From:** DOADLBASADMININTERNETSHAREPOINT@WI.GOV  
[mailto:DOADLBASADMININTERNETSHAREPOINT@WI.GOV]  
**Sent:** Monday, January 03, 2011 1:45 PM  
**To:** Hanaman, Cathlene  
**Cc:** Hetzel, Shayna - DOA; Thornton, Scott - DOA; Hanle, Bob - DOA; Hynek, Sara - DOA  
**Subject:** Statutory Language Drafting Request

Topic: Public School Requirements - 180 Days

Tracking Code: BB0191

SBO Team: ECF

SBO Analyst: Hynek, Sara - DOA  
Phone: (608) 266-5468  
E-mail: Sara.Hynek@Wisconsin.gov

Agency Acronym: DPI

Agency Number: 255

Priority: Medium

Intent:  
Repeal the requirement that schools provide 180 days of instruction (120.12(15)).

Attachments: False



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-08412-P1

TKK:.....

RMRUN

DOA:.....Hynek, BB0191 - Repeal requirement that schools provide 180 days of instruction

**FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION**

1/4/11

4<sub>1</sub> do not gen  
AN ACT ...; relating to: the budget.

*Analysis by the Legislative Reference Bureau*

**EDUCATION**

**PRIMARY AND SECONDARY EDUCATION**

Under current law, each school district must hold school for 180 days each school term and must schedule at least 437 hours of direct pupil instruction in kindergarten, at least 1,050 hours of direct pupil instruction in grades 0 to 6, and at least 1,137 hours of direct pupil instruction in grades 0 to 12. With some exceptions, the state superintendent must withhold state aid from a school district if the school district fails to hold school for 180 days. If, however, a school district holds less than 180 days of school as a result of a strike by school district employees, instead of withholding state aid from the school district, the amount of state aid is reduced to account for the amount of shared costs not incurred by the school district as a result of the strike.

This bill eliminates the requirement that a school district hold school for 180 days each year. The bill replaces the requirement that the state superintendent withhold state aid from a school district that fails to hold school for 180 days with a requirement that the state superintendent withhold state aid from a school district that fails to provide the hours of direct pupil instruction specified above. Finally, the bill substitutes the requirement that a school district that fails to hold school for 180

one

six

twelve

days<sup>✓</sup> as a result of a strike of school district employees receive a reduction in state aid with a requirement that a school district that fails to provide the hours of direct pupil instruction specified above as a result of a strike of school district employees receive a reduction in state aid.<sup>✓</sup>

---

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 120.12 (15)<sup>✓</sup> of the statutes is amended to read:

2           120.12 (15) SCHOOL HOURS. Establish rules scheduling the hours of a normal  
3 school day. The school board may differentiate between the various elementary and  
4 high school grades in scheduling the school day. ~~The equivalent of 180 such days, as~~  
5 ~~defined in s. 115.01 (10), shall be held during the school term.~~<sup>✓</sup> This subsection shall  
6 not be construed to eliminate a school district's duty to bargain with the employee's  
7 collective bargaining representative over any calendaring proposal which is  
8 primarily related to wages, hours, and conditions of employment.

History: 1973 c. 61, 90; 1975 c. 180, 421; 1977 c. 206, 418; 1979 c. 301, 318, 334; 1983 a. 189 s. 329 (21); 1985 a. 29, 218, 225; 1987 a. 285; 1989 a. 31, 114, 209, 264, 359; 1991 a. 39, 269; 1993 a. 16, 27, 437; 1995 a. 27 ss. 4022r, 4023m, 9126 (19), 9145 (1); 1995 a. 77, 201; 1997 a. 27, 160, 237, 240; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 30; 2005 a. 220; 2007 a. 20 s. 9121 (6) (a); 2007 a. 40; 2009 a. 28, 305, 309, 334.

9           **SECTION 2.** 121.006 (2) (a) of the statutes is amended to read:

10           121.006 (2) (a) ~~Hold school for at least 180 days~~ Provide the number of hours  
11 of direct pupil instruction specified under s. 121.02 (1) (f) 2.<sup>✓</sup> each year, less any days  
12 during which the state superintendent determines that school is not held or  
13 educational standards are not maintained as the result of a strike by school district  
14 employees, the days to be computed in accordance with s. 115.01 (10).

History: 1973 c. 90, 157; 1977 c. 26; 1977 c. 29 s. 1097; 1977 c. 178, 203, 246, 273, 447; Stats. 1977 s. 121.006; 1979 c. 221; 1995 a. 27 ss. 4031, 9145 (1); 1997 a. 27; 2009 a. 215.

15           **SECTION 3.** 121.23 (2) (intro.) of the statutes is amended to read:

16           121.23 (2) (intro.)<sup>✓</sup> ~~If a school district holds less than 180 days of school fails to~~  
17 provide the number of hours of direct pupil instruction specified under s. 121.02 (1)  
18 (f) 2.<sup>✓</sup> as the result of a strike by school district employees, for the purposes of

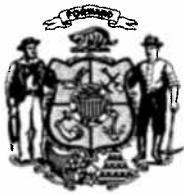
- 1 computing general aid, the state superintendent shall compute the school district's  
2 primary and secondary ceiling costs per member in accordance with the procedure  
3 specified in pars. (a) to (e). In making the calculation, the state superintendent shall:

**History:** 1977 c. 178; 1979 c. 221 s. 2202 (43); 1995 a. 27 ss. 4077, 9145 (4); 1997 a. 27.

\*\*\*\*NOTE: Section 121.23 (2) governs the calculation of general aid for a school district that holds school for less than 180 days as a result of a strike by school district employees. I substituted hours of instruction for the 180 days requirement. Was that your intent?

4

(END)



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-0841/P1

TKK:jld:md

RMA12  
insert  
d-note

DOA:.....Hynek, BB0191 - Repeal requirement that schools provide 180 days of instruction

**FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION**

1/14/11

soon

7 Don't Gen

1

AN ACT ...; relating to: the budget. ✓

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*Analysis by the Legislative Reference Bureau*

**EDUCATION**

**PRIMARY AND SECONDARY EDUCATION**

Under current law, each school district must hold school for 180 days each school term and must schedule at least 437 hours of direct pupil instruction in kindergarten, at least 1,050 hours of direct pupil instruction in grades one to six, and at least 1,137 hours of direct pupil instruction in grades seven to twelve. With some exceptions, the state superintendent must withhold state aid from a school district if the school district fails to hold school for 180 days. If, however, a school district holds less than 180 days of school as a result of a strike by school district employees, instead of withholding state aid from the school district, the amount of state aid is reduced to account for the amount of shared costs not incurred by the school district as a result of the strike.

This bill eliminates the requirement that a school district hold school for 180 days each year. The bill replaces the requirement that the state superintendent withhold state aid from a school district that fails to hold school for 180 days with a requirement that the state superintendent withhold state aid from a school district that fails to provide the hours of direct pupil instruction specified above. Finally, the bill substitutes the requirement that a school district that fails to hold school for 180

days as a result of a strike of school district employees receive a reduction in state aid with a requirement that a school district that fails to provide the hours of direct pupil instruction specified above as a result of a strike of school district employees receive a reduction in state aid.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 120.12 (15) of the statutes is amended to read:

120.12 (15) SCHOOL HOURS. Establish rules scheduling the hours of a normal school day. The school board may differentiate between the various elementary and high school grades in scheduling the school day. ~~The equivalent of 180 such days, as defined in s. 115.01 (10), shall be held during the school term.~~ This subsection shall not be construed to eliminate a school district's duty to bargain with the employee's collective bargaining representative over any calendaring proposal which is primarily related to wages, hours, and conditions of employment.

**SECTION 2.** 121.006 (2) (a) of the statutes is amended to read:

121.006 (2) (a) ~~Hold school for at least 180 days~~ Provide the number of hours of direct pupil instruction specified under s. 121.02 (1) (f) 2. each year, less any days during which the state superintendent determines that school is not held or educational standards are not maintained as the result of a strike by school district employees, the days to be computed in accordance with s. 115.01 (10).

**SECTION 3.** 121.23 (2) (intro.) of the statutes is amended to read:

121.23 (2) (intro.) If a school district ~~holds less than 180 days of school~~ fails to provide the number of hours of direct pupil instruction specified under s. 121.02 (1) (f) 2. as the result of a strike by school district employees, for the purposes of computing general aid, the state superintendent shall compute the school district's

- 1 primary and secondary ceiling costs per member in accordance with the procedure  
2 specified in pars. (a) to (e). In making the calculation, the state superintendent shall:

\*\*\*\*NOTE: Section 121.23 (2) governs the calculation of general aid for a school district that holds school for less than 180 days as a result of a strike by school district employees. I substituted hours of instruction for the 180 days requirement. Was that your intent?

3

(END)

d-note  
↓

**2011-2012 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0841/P1ins  
TKK:jld:md

**Insert 2-1**

**SECTION 1.** 115.01 (10) (a) of the statutes is renumbered 115.01 (10).

**SECTION 2.** 115.01 (10) (b) of the statutes is repealed.

\*\*\*\*NOTE: Section 115.01 (10) provides a definition for "school day". In this draft, I repeal s. 115.01 (10) (b), which is a substantive application of the definition of school day, and place the substance of this paragraph into s. 121.02 (1) (f). I do not repeal s. 115.01 (10) (a), which establishes substantive law by providing that certain days on which school is not taught are nevertheless school days. Under current law, these school days on which school is not taught count towards the 180 days requirement.

In this draft, I convert the days on which school is not taught to hours; I assumed that each school day consists of 7 hours. Finally, I amend s. 121.006 (2) (a) to provide that the hours on which school is not taught may be subtracted from the required hours of direct pupil instruction. Are you comfortable with this approach? And is there any reason to retain the definition for "school day" at s. 115.01 (10)?

**SECTION 3.** 118.38 (2) (bm) of the statutes is amended to read:

118.38 (2) (bm) The department shall promulgate rules establishing criteria for waiving the requirement to schedule at least the number of hours of direct pupil instruction specified under s. 121.02 (1) (f) 2. if school is closed for a reason specified in s. 115.01 (10) (a) 2. or 3. or (b).

History: 1995 a. 27; 1997 a. 27; 2001 a. 16; 2009 a. 42, 301.

**SECTION 4.** 118.40 (8) (d) 2. of the statutes is amended to read:

118.40 (8) (d) 2. Ensure that its teachers are available to provide direct pupil instruction for at least the applicable number of hours specified in s. 121.02 (1) (f) 2. each school year. No more than 10 hours in any 24-hour period may count toward the requirement under this subdivision.

History: 1993 a. 16, 490; 1995 a. 27 ss. 3983m to 3992m, 9145 (1); 1997 a. 27, 238, 252; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16, 105; 2003 a. 33, 156; 2005 a. 25, 111, 346; 2007 a. 222; 2009 a. 28, 61, 276.

**Insert 2-9**

**SECTION 5.** 121.004 (7) (c) 1. b. of the statutes is amended to read:

121.004 (7) (c) 1. b. A pupil enrolled in a 5-year-old kindergarten program requiring full-day attendance for less than 5 days a week for an entire school year



INSERT  
2-9 cont

term<sup>✓</sup> shall be counted as the result obtained by multiplying the number of hours in each day in which the pupil is enrolled by the total number of days for which the pupil is enrolled, and dividing the result by the ~~product of the total~~<sup>✓</sup> number of hours of attendance ~~per day~~<sup>✓</sup> required of first grade pupils in the school district<sup>✓</sup> multiplied by 180.

**History:** 1977 c. 29 ss. 1081, 1085e, 1085m; 1977 c. 418, 429; 1979 c. 34, 221; 1979 c. 346 s. 15; 1981 c. 20, 317; 1983 a. 27, 189; 1985 a. 29; 1987 a. 27; 1991 a. 39, 48; 1993 a. 16; 1997 a. 27, 164, 240; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16; 2007 a. 226; 2009 a. 28.

**SECTION 6.** 121.004 (7) (cm) of the statutes is amended to read:

121.004 (7) (cm) A pupil enrolled in a 4-year-old kindergarten program, including a 4-year-old kindergarten program being phased in under s. 118.14 (3) (b), that provides the required number of hours of direct pupil instruction under s. 121.02 (1) (f) 2<sup>✓</sup>, shall be counted as 0.6 pupil if the program annually provides at least 87.5 additional hours of outreach activities.

**History:** 1977 c. 29 ss. 1081, 1085e, 1085m; 1977 c. 418, 429; 1979 c. 34, 221; 1979 c. 346 s. 15; 1981 c. 20, 317; 1983 a. 27, 189; 1985 a. 29; 1987 a. 27; 1991 a. 39, 48; 1993 a. 16; 1997 a. 27, 164, 240; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16; 2007 a. 226; 2009 a. 28.

**SECTION 7.** 121.006 (2) (a) of the statutes is renumbered 121.006 (2) (a) (intro.)

and amended to read:

(intro.)

121.006 (2) (a) <sup>✓</sup> Hold school for at least 180 days each year the minimum number of hours of direct pupil instruction<sup>✓</sup> required for the grade in which a pupil is enrolled as specified in s. 121.02 (1) (f),<sup>✓</sup> less any days of the following:<sup>✓</sup>

1. Hours during which the state superintendent determines that school is not held or educational standards are not maintained as the result of a strike by school district employees,<sup>✓</sup> ~~the days to be computed in accordance with s. 115.01 (10).~~

**History:** 1973 c. 90, 157; 1977 c. 26; 1977 c. 29 s. 1097; 1977 c. 178, 203, 206, 273, 447; Stats. 1977 s. 121.006; 1979 c. 221; 1995 a. 27 ss. 4031, 9145 (1); 1997 a. 27; 2009 a. 215.

**SECTION 8.** 121.006 (2) (a) 2. of the statutes is created to read:

121.006 (2) (a) 2. Hours during which school is closed by order of the school district administrator because of inclement weather and hours during which parent-teacher conferences<sup>✓</sup> are held, not to exceed 35 hours during the school<sup>✓</sup> term.<sup>✓</sup>



INSERT  
2-9 cont

SECTION 9. 121.006 (2) (a) 3. of the statutes is created to read:

121.006 (2) (a) 3. Hours during which school is closed by order of a local health officer, as defined in s. 250.01 (5), or the department of health services.

SECTION 10. 121.006 (2) (a) 4. of the statutes is created to read:

121.006 (2) (a) 4. Hours during which school is closed by order of the school district administrator because of a threat to the health or safety of pupils or school personnel, but not including inclement weather, unless the school board determines that the hours will not count as hours of direct pupil instruction for purposes of s. 121.02 (1) (f).

\*\*\*\*NOTE: As amended by this draft, s. 121.006 (2) (a) requires the school board to hold school for the minimum hours of direct pupil instruction required under s. 121.02 (1) (f), but allows to school board to reduce from the required hours of instruction certain hours during which school is not taught. For additional discussion of changes to s. 121.006 (2) (a), please see \*\*\*\*NOTE accompanying treatment of s. 115.01 (10).

SECTION 11. 121.02 (1) (f) 1. of the statutes is repealed.

SECTION 12. 121.02 (1) (f) 2. of the statutes is renumbered 121.02 (1) (f) and amended to read:

121.02 (1) (f) Annually, schedule at least 437 hours of direct pupil instruction in kindergarten, at least 1,050 hours of direct pupil instruction in grades 1 to 6 and at least 1,137 hours of direct pupil instruction in grades 7 to 12, or the number of hours of direct pupil instruction the school board scheduled during the 2010-11 school year, whichever is greater. Scheduled hours under this subdivision paragraph include recess and time for pupils to transfer between classes but do not include the lunch period. Scheduled hours under this paragraph may include up to 35 hours on Saturdays. A school board operating a 4-year-old kindergarten program may use up to 87.5 of the scheduled hours for outreach activities.

INSERT 2-9  
CONF

LRB-0841/P1ins  
TKK:jld:md

\*\*\*\*NOTE: The substantive changes to this paragraph are taken from 2009 Assembly Bill 200. Note that the material related to scheduled hours on Saturdays is transferred from s. 115.01 (10) (b). Please see the \*\*\*\*NOTE accompanying treatment of s. 115.01 (10). Are you comfortable with these changes?

SECTION 13. 120.12 (27) <sup>(a) and (b)</sup> of the statutes <sup>are</sup> amended to read:

120.12 (27) ~~SCHOOL CLOSINGS AND REOPENINGS~~ (a) Within 24 hours of a school being closed for a reason specified in s. 115.01 (10) (a) ~~2. or 3.~~ <sup>or (b)</sup> or by the department of health services under s. 252.02 (3), notify the department. The notice shall include the reason for the closure.

(b) Within 24 hours of reopening a school that was closed for a reason specified in s. 115.01 (10) (a) ~~2. or 3.~~ <sup>or (b)</sup> or by the department of health services under s. 252.02 (3), notify the department that the school has reopened. In the notice, the school board shall include the number of days the school was closed.

**History:** 1973 c. 61, 90; 1975 c. 180, 421; 1977 c. 206, 418; 1979 c. 301, 318, 334; 1983 a. 189 s. 329 (21); 1985 a. 29, 218, 225; 1987 a. 285; 1989 a. 31, 114, 209, 264, 359; 1991 a. 39, 269; 1993 a. 16, 27, 437; 1995 a. 27 ss. 4022r, 4023m, 9126 (19), 9145 (1); 1995 a. 77, 201; 1997 a. 27, 160, 237, 240; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 30; 2005 a. 220; 2007 a. 20 s. 9121 (6) (a); 2007 a. 40; 2009 a. 28, 305, 309, 334.

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

date

2  
LRB-0841/P~~A~~dn  
TKK:jld:md

↑  
keep

Sara:

After discussing this draft with Peter Grant and comparing it to 2009 Assembly Bill 200, I realized that I needed to make some additions to the bill. The bill is not entirely identical to 2009 AB 200; please note that I have embedded several explanatory notes and questions into the draft.

Tracy K. Kuczenski  
Legislative Attorney  
Phone: (608) 266-9867  
E-mail: [tracy.kuczenski@legis.wisconsin.gov](mailto:tracy.kuczenski@legis.wisconsin.gov)

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0841/P2dn  
TKK:jld:ph

January 14, 2011

Sara:

After discussing this draft with Peter Grant and comparing it to 2009 Assembly Bill 200, I realized that I needed to make some additions to the bill. The bill is not entirely identical to 2009 AB-200; please note that I have embedded several explanatory notes and questions into the draft.

Tracy K. Kuczenski  
Legislative Attorney  
Phone: (608) 266-9867  
E-mail: [tracy.kuczenski@legis.wisconsin.gov](mailto:tracy.kuczenski@legis.wisconsin.gov)

**Kuczenski, Tracy**

---

**From:** Hanle, Bob - DOA [bob.hanle@wisconsin.gov]  
**Sent:** Thursday, February 24, 2011 7:34 PM  
**To:** Hanaman, Cathlene  
**Cc:** Kuczenski, Tracy  
**Subject:** FW: 0841

**Importance:** High

Forgot to copy you Cathlene.

Tracy, ignore my Saturday comment. I checked the cross-reference in your note. I should have done a better job reading your comments on P1. Sorry. The only change to make is related to the "whichever is greater provision."

**Bob Hanle, Team Leader**  
**State Budget Office**  
**101 E. Wilson St. -- 10th Floor**  
**P.O. Box 7864**  
**Madison, WI 53707-7864**  
**(608) 266-1037**

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**From:** Hanle, Bob - DOA  
**Sent:** Thursday, February 24, 2011 7:22 PM  
**To:** Kuczenski, Tracy - LEGIS  
**Cc:** Thornton, Scott - DOA; Kraus, Jennifer - DOA  
**Subject:** RE: 0841  
**Importance:** High

There seem to be some fairly significant changes in P2, which I had not seen until 20 minutes ago (I realize you raised some questions in the original draft that I did not respond to, so I think I'm criticizing me). Most of the changes seem OK. The extent of our discussion with the Governor was to repeal the 180 day requirement and maintain the hours of instruction. The one change that concerns me is requiring school districts to maintain a greater number of hours than state law requires if that's the number of hours they scheduled in FY11. Considering the fiscal pressures districts will be under for the next couple of years, we shouldn't penalize districts that scheduled some additional hours in FY11. Unless there's a rationale for doing this that I don't understand, that provision should be deleted. Thanks.

The other change that gave me pause was the Saturday provision. However, I thought some school districts do that now (I believe Madison is considering it to address the 4 days of closings). I'm OK (I think) with leaving that option in.

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**From:** Hanle, Bob - DOA  
**Sent:** Thursday, February 24, 2011 6:58 PM  
**To:** Kuczenski, Tracy - LEGIS  
**Cc:** Hanaman, Cathlene - LEGIS  
**Subject:** 0841

As I'm checking the compile, it includes 0841/P2. I have only received a P1 version. Was this change just made?

2/25/2011



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-0841/P2

TKK:jld:ph

P3

DOA:.....Hynek, BB0191 - Repeal requirement that schools provide 180 days of instruction

**FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION**

2/28/11

Don't gen

1

AN ACT ...; relating to: the budget.

---

*Analysis by the Legislative Reference Bureau*

**EDUCATION**

**PRIMARY AND SECONDARY EDUCATION**

Under current law, each school district must hold school for 180 days each school term and must schedule at least 437 hours of direct pupil instruction in kindergarten, at least 1,050 hours of direct pupil instruction in grades one to six, and at least 1,137 hours of direct pupil instruction in grades seven to twelve. With some exceptions, the state superintendent must withhold state aid from a school district if the school district fails to hold school for 180 days. If, however, a school district holds less than 180 days of school as a result of a strike by school district employees, instead of withholding state aid from the school district, the amount of state aid is reduced to account for the amount of shared costs not incurred by the school district as a result of the strike.

This bill eliminates the requirement that a school district hold school for 180 days each year. The bill replaces the requirement that the state superintendent withhold state aid from a school district that fails to hold school for 180 days with a requirement that the state superintendent withhold state aid from a school district that fails to provide the hours of direct pupil instruction specified above. Finally, the bill substitutes the requirement that a school district that fails to hold school for 180

days as a result of a strike of school district employees receive a reduction in state aid with a requirement that a school district that fails to provide the hours of direct pupil instruction specified above as a result of a strike of school district employees receive a reduction in state aid.

---

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 115.01 (10) (a) of the statutes is renumbered 115.01 (10).

2           **SECTION 2.** 115.01 (10) (b) of the statutes is repealed.

6           \*\*\*\*NOTE: Section 115.01 (10) provides a definition for "school day". In this draft, I repeal s. 115.01 (10) (b), which is a substantive application of the definition of school day, and place the substance of this paragraph into s. 121.02 (1) (f). I do not repeal s. 115.01 (10) (a), which establishes substantive law by providing that certain days on which school is not taught are nevertheless school days. Under current law, these school days on which school is not taught count towards the 180-day requirement.

              In this draft, I convert the days on which school is not taught to hours; I assumed that each school day consists of 7 hours. Finally, I amend s. 121.006 (2) (a) to provide that the hours on which school is not taught may be subtracted from the required hours of direct pupil instruction. Are you comfortable with this approach? And is there any reason to retain the definition for "school day" at s. 115.01 (10)?

3           **SECTION 3.** 118.38 (2) (bm) of the statutes is amended to read:

4           118.38 (2) (bm) The department shall promulgate rules establishing criteria  
5           for waiving the requirement to schedule at least the number of hours of direct pupil  
6           instruction specified under s. 121.02 (1) (f) ~~2-~~ if school is closed for a reason specified  
7           in s. 115.01 (10) (a) ~~2- or 3-~~ or (b).

8           **SECTION 4.** 118.40 (8) (d) 2. of the statutes is amended to read:

9           118.40 (8) (d) 2. Ensure that its teachers are available to provide direct pupil  
10          instruction for at least the applicable number of hours specified in s. 121.02 (1) (f) ~~2-~~  
11          each school year. No more than 10 hours in any 24-hour period may count toward  
12          the requirement under this subdivision.

13          **SECTION 5.** 120.12 (15) of the statutes is amended to read:

14          120.12 (15) SCHOOL HOURS. Establish rules scheduling the hours of a normal  
15          school day. The school board may differentiate between the various elementary and



1 high school grades in scheduling the school day. ~~The equivalent of 180 such days, as~~  
2 ~~defined in s. 115.01 (10), shall be held during the school term.~~ This subsection shall  
3 not be construed to eliminate a school district's duty to bargain with the employee's  
4 collective bargaining representative over any calendaring proposal which is  
5 primarily related to wages, hours, and conditions of employment.

6 → **INSERT A (from p. 5)**  
**SECTION 6.** 121.004 (7) (c) 1. b. of the statutes is amended to read:

7 121.004 (7) (c) 1. b. A pupil enrolled in a 5-year-old kindergarten program  
8 requiring full-day attendance for less than 5 days a week for an entire school year  
9 term shall be counted as the result obtained by multiplying the number of hours in  
10 each day in which the pupil is enrolled by the total number of days for which the pupil  
11 is enrolled, and dividing the result by the ~~product of the total~~ number of hours of  
12 attendance ~~per day~~ required of first grade pupils in the school district ~~multiplied by~~  
13 180.

14 **SECTION 7.** 121.004 (7) (cm) of the statutes is amended to read:

15 121.004 (7) (cm) A pupil enrolled in a 4-year-old kindergarten program,  
16 including a 4-year-old kindergarten program being phased in under s. 118.14 (3) (b),  
17 that provides the required number of hours of direct pupil instruction under s. 121.02  
18 (1) (f) 2. shall be counted as 0.6 pupil if the program annually provides at least 87.5  
19 additional hours of outreach activities.

20 **SECTION 8.** 121.006 (2) (a) of the statutes is renumbered 121.006 (2) (a) (intro.)  
21 and amended to read:

22 121.006 (2) (a) (intro.) Hold school for ~~at least 180 days each year~~ the minimum  
23 number of hours of direct pupil instruction required for the grade in which a pupil  
24 is enrolled as specified in s. 121.02 (1) (f), less any days of the following:

1        1. Hours during which the state superintendent determines that school is not  
2 held or educational standards are not maintained as the result of a strike by school  
3 district employees, ~~the days to be computed in accordance with s. 115.01 (10).~~

4        **SECTION 9.** 121.006 (2) (a) 2. of the statutes is created to read:

5        121.006 (2) (a) 2. Hours during which school is closed by order of the school  
6 district administrator because of inclement weather and hours during which  
7 parent-teacher conferences are held, not to exceed 35 hours during the school term.

8        **SECTION 10.** 121.006 (2) (a) 3. of the statutes is created to read:

9        121.006 (2) (a) 3. Hours during which school is closed by order of a local health  
10 officer, as defined in s. 250.01 (5), or the department of health services.

11        **SECTION 11.** 121.006 (2) (a) 4. of the statutes is created to read:

12        121.006 (2) (a) 4. Hours during which school is closed by order of the school  
13 district administrator because of a threat to the health or safety of pupils or school  
14 personnel, but not including inclement weather, unless the school board determines  
15 that the hours will not count as hours of direct pupil instruction for purposes of s.  
16 121.02 (1) (f).

\*\*\*\*NOTE: As amended by this draft, s. 121.006 (2) (a) requires the school board to hold school for the minimum hours of direct pupil instruction required under s. 121.02 (1) (f), but allows to school board to reduce from the required hours of instruction certain hours during which school is not taught. For additional discussion of changes to s. 121.006 (2) (a), please see \*\*\*\*NOTE accompanying treatment of s. 115.01 (10).

17        **SECTION 12.** 121.02 (1) (f) 1. of the statutes is repealed.

18        **SECTION 13.** 121.02 (1) (f) 2. of the statutes is renumbered 121.02 (1) (f) and  
19 amended to read:

20        121.02 (1) (f) Annually, schedule at least 437 hours of direct pupil instruction  
21 in kindergarten, at least 1,050 hours of direct pupil instruction in grades 1 to 6 and  
22 at least 1,137 hours of direct pupil instruction in grades 7 to 12, or the number of

① hours of direct pupil instruction the school board scheduled during the 2010-11  
② school year, whichever is greater. Scheduled hours under this subdivision paragraph  
3 include recess and time for pupils to transfer between classes but do not include the  
4 lunch period. Scheduled hours under this paragraph may include up to 35 hours on  
5 Saturdays. A school board operating a 4-year-old kindergarten program may use  
6 up to 87.5 of the scheduled hours for outreach activities.

INS  
A  
(move to p. 3)  
\*\*\*NOTE: The substantive changes to this paragraph are taken from 2009 Assembly Bill 200. Note that the material related to scheduled hours on Saturdays is transferred from s. 115.01 (10) (b). Please see the \*\*\*NOTE accompanying treatment of s. 115.01 (10). Are you comfortable with these changes?

7 **SECTION 14.** 120.12 (27) (a) and (b) of the statutes are amended to read:

8 120.12 (27) (a) Within 24 hours of a school being closed for a reason specified  
9 in s. 115.01 (10) (a) 2. or 3. or (b) or by the department of health services under s.  
10 252.02 (3), notify the department. The notice shall include the reason for the closure.

11 (b) Within 24 hours of reopening a school that was closed for a reason specified  
12 in s. 115.01 (10) (a) 2. or 3. or (b) or by the department of health services under s.  
13 252.02 (3), notify the department that the school has reopened. In the notice, the  
14 school board shall include the number of days the school was closed.

15 **SECTION 15.** 121.23 (2) (intro.) of the statutes is amended to read:

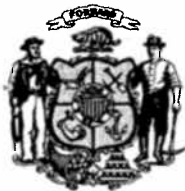
16 121.23 (2) (intro.) If a school district ~~holds less than 180 days of school~~ fails to  
17 provide the number of hours of direct pupil instruction specified under s. 121.02 (1)  
18 (f) 2. as the result of a strike by school district employees, for the purposes of  
19 computing general aid, the state superintendent shall compute the school district's  
20 primary and secondary ceiling costs per member in accordance with the procedure  
21 specified in pars. (a) to (e). In making the calculation, the state superintendent shall:

\*\*\*NOTE: Section 121.23 (2) governs the calculation of general aid for a school district that holds school for less than 180 days as a result of a strike by school district

employees. I substituted hours of instruction for the 180 days requirement. Was that your intent?

1

(END)



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-0841/P8  
TKK:jld:md

P4

DOA:.....Hynek, BB0191 - Repeal requirement that schools provide 180 days of instruction

**FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION**

3/2/11

X

DO not gen

1

AN ACT ...; relating to: the budget.

---

*Analysis by the Legislative Reference Bureau*

**EDUCATION**

**PRIMARY AND SECONDARY EDUCATION**

Under current law, each school district must hold school for 180 days each school term and must schedule at least 437 hours of direct pupil instruction in kindergarten, at least 1,050 hours of direct pupil instruction in grades one to six, and at least 1,137 hours of direct pupil instruction in grades seven to twelve. With some exceptions, the state superintendent must withhold state aid from a school district if the school district fails to hold school for 180 days. If, however, a school district holds less than 180 days of school as a result of a strike by school district employees, instead of withholding state aid from the school district, the amount of state aid is reduced to account for the amount of shared costs not incurred by the school district as a result of the strike.

This bill eliminates the requirement that a school district hold school for 180 days each year. The bill replaces the requirement that the state superintendent withhold state aid from a school district that fails to hold school for 180 days with a requirement that the state superintendent withhold state aid from a school district that fails to provide the hours of direct pupil instruction specified above. Finally, the bill substitutes the requirement that a school district that fails to hold school for 180

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7       in s. 115.01 (10) ~~(a) 2. or 3.~~ <sup>Strike</sup> or (b) or (c)

8       **SECTION 4.** 118.40 (8) (d) 2. of the statutes is amended to read:

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1           **SECTION 6.** 120.12 (27) (a) and (b) of the statutes are amended to read:

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4           252.02 (3), notify the department. The notice shall include the reason for the closure.

5           (b) Within 24 hours of reopening a school that was closed for a reason specified  
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10           121.004 (7) (c) 1. b. A pupil enrolled in a 5-year-old kindergarten program  
11           requiring full-day attendance for less than 5 days a week for an entire school year  
12           term shall be counted as the result obtained by multiplying the number of hours in  
13           each day in which the pupil is enrolled by the total number of days for which the pupil  
14           is enrolled, and dividing the result by the ~~product of the total~~ number of hours of  
15           attendance ~~per day~~ required of first grade pupils in the school district ~~multiplied by~~  
16           180.

17           **SECTION 8.** 121.004 (7) (cm) of the statutes is amended to read:

18           121.004 (7) (cm) A pupil enrolled in a 4-year-old kindergarten program,  
19           including a 4-year-old kindergarten program being phased in under s. 118.14 (3) (b),  
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21           (1) (f) 2. shall be counted as 0.6 pupil if the program annually provides at least 87.5  
22           additional hours of outreach activities.

23           **SECTION 9.** 121.006 (2) (a) of the statutes is renumbered 121.006 (2) (a) (intro.)  
24           and amended to read:

1           121.006 (2) (a) (intro.) Hold school for ~~at least 180 days each year~~ the minimum  
2           number of hours of direct pupil instruction required for the grade in which a pupil  
3           is enrolled as specified in s. 121.02 (1) (f), less any days of the following:

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19          121.02 (1) (f).

20          **SECTION 13.** 121.02 (1) (f) 1. of the statutes is repealed.

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24          in kindergarten, at least 1,050 hours of direct pupil instruction in grades 1 to 6 and  
25          at least 1,137 hours of direct pupil instruction in grades 7 to 12. Scheduled hours



1 under this ~~subdivision~~ paragraph include recess and time for pupils to transfer  
2 between classes but do not include the lunch period. Scheduled hours under this  
3 paragraph may include up to 35 hours on Saturdays. A school board operating a  
4 4-year-old kindergarten program may use up to 87.5 of the scheduled hours for  
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13 (END)



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-0841/P4  
TKK:jld:rs

DOA:.....Hynek, BB0191 - Repeal requirement that schools provide 180 days of instruction

**FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION**

1 **AN ACT ...; relating to:** the budget.

---

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5       closure.

6           (b) Within 24 hours of reopening a school that was closed for a reason specified  
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6           district employees, ~~the days to be computed in accordance with s. 115.01 (10).~~

7           **SECTION 10.** 121.006 (2) (a) 2. of the statutes is created to read:

8           121.006 (2) (a) 2. Hours during which school is closed by order of the school  
9           district administrator because of inclement weather and hours during which  
10          parent-teacher conferences are held, not to exceed 35 hours during the school term.

11          **SECTION 11.** 121.006 (2) (a) 3. of the statutes is created to read:

12          121.006 (2) (a) 3. Hours during which school is closed by order of a local health  
13          officer, as defined in s. 250.01 (5), or the department of health services.

14          **SECTION 12.** 121.006 (2) (a) 4. of the statutes is created to read:

15          121.006 (2) (a) 4. Hours during which school is closed by order of the school  
16          district administrator because of a threat to the health or safety of pupils or school  
17          personnel, but not including inclement weather, unless the school board determines  
18          that the hours will not count as hours of direct pupil instruction for purposes of s.  
19          121.02 (1) (f).

20          **SECTION 13.** 121.02 (1) (f) 1. of the statutes is repealed.

21          **SECTION 14.** 121.02 (1) (f) 2. of the statutes is renumbered 121.02 (1) (f) and  
22          amended to read:

23          121.02 (1) (f) Annually, schedule at least 437 hours of direct pupil instruction  
24          in kindergarten, at least 1,050 hours of direct pupil instruction in grades 1 to 6 and  
25          at least 1,137 hours of direct pupil instruction in grades 7 to 12. Scheduled hours

1 under this ~~subdivision~~ paragraph include recess and time for pupils to transfer  
2 between classes but do not include the lunch period. Scheduled hours under this  
3 paragraph may include up to 35 hours on Saturdays. A school board operating a  
4 4-year-old kindergarten program may use up to 87.5 of the scheduled hours for  
5 outreach activities.

6 **SECTION 15.** 121.23 (2) (intro.) of the statutes is amended to read:

7 121.23 (2) (intro.) If a school district ~~holds less than 180 days of school~~ fails to  
8 provide the number of hours of direct pupil instruction specified under s. 121.02 (1)  
9 (f) as the result of a strike by school district employees, for the purposes of computing  
10 general aid, the state superintendent shall compute the school district's primary and  
11 secondary ceiling costs per member in accordance with the procedure specified in  
12 pars. (a) to (e). In making the calculation, the state superintendent shall:

13 (END)